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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116

RM 8535

To: The Commission

**FURTHER COMMENTS OF
THE CALIFORNIA CABLE TELEVISION ASSOCIATION**

The California Cable Television Association ("CCTA"),^{1/} pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419, hereby submits its comments in response to the Commission's request for further comments in the above-captioned proceeding.^{2/} Specifically, the Commission seeks supplemental comment on how passage of the Telecommunications Act of 1996 ("1996 Act")^{3/} may affect the issues raised in the Commission's initial Notice of Proposed Rulemaking in this proceeding.^{4/}

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^{1/} CCTA is a trade association representing cable television operators with over 400 cable television systems in California. Its members are currently planning to compete with local exchange carriers ("LECs") and competitive local carriers in the delivery of telephone service to residential and business customers throughout California.

^{2/} Telephone Number Portability, Further Comments, CC Docket No. 95-116, DA 96-358 (released March 14, 1996).

^{3/} Pub. L. No. 104-104, 110 Stat. 56 (1996).

^{4/} Telephone Number Portability, Notice of Proposed Rulemaking, 10 FCC Rcd 12350 (1995).

INTRODUCTION AND SUMMARY

Over the past year, the California Public Utilities Commission ("CPUC") has been at the forefront in promoting local telephone competition.^{5/} Consequently, CCTA's members are likely to be some of the first facilities-based providers to compete with the LECs in the local exchange marketplace. In passing the 1996 Act, Congress specifically endorsed such competition, stating that "[s]ome of the initial forays of cable companies into the field of local telephony hold the promise of providing the sort of local residential competition that has consistently been contemplated."^{6/} As competitive local telephone service providers, CCTA's members have a vital interest in promoting the implementation of a number portability solution that will ensure full and fair competition among providers of local exchange and exchange access telephone service.

In its earlier comments in this proceeding, CCTA did not endorse a specific architecture for local number portability ("LNP").^{7/} Rather, CCTA recommended that the Commission limit its role to articulating broad policy goals, setting firm deadlines for the implementation of LNP, and overseeing the imposition of genuine penalties for delay.^{8/}

Since the pleading cycle on the Notice closed on October 12, 1995, however, CCTA has benefited from extensive technical and economic evaluations of several specific LNP

^{5/} The CPUC has approved the petitions of 27 CLCs for authority to provide facilities-based local exchange services as of January 1, 1996. Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service, Docket No. R95-04-043, D95-12-057(released Dec. 20, 1995).

^{6/} H.R. Conf. Rep. No. 458, 104th Cong., 2d Sess. 148 (1996) ("Conference Report").

^{7/} See Comments of the California Cable Television Association ("CCTA Comments"), Common Carrier Docket No. 95-116 at 8 (Sept. 12, 1995); Reply Comments of the California Cable Television Association, CC Docket No. 95-116 at 2 (Oct. 12, 1995).

^{8/} CCTA Comments at 3.

proposals. As stated in its opening comments in this proceeding, CCTA has been an active member of the California Local Number Portability Task Force ("Task Force") since that group's formation in May 1995.^{9/} Recently, the Task Force evaluated comprehensively five different LNP solutions, including: AT&T's Location Routing Number ("LRN"); Pacific Bell's Release-to-Pivot ("RTP"); GTE's Non-Geographic Number ("NGN"); MCI's Carrier Portability Code ("CPC"); and Electric Lightwave, Inc.'s and U.S. Intelco's Local Area Number Portability ("LANP").^{10/}

On the basis of this report, and consistent with the views of a majority of the Task Force members, CCTA now believes that only AT&T's LRN proposal will satisfy the 1996 Act's mandate to permit subscribers to retain their telephone numbers "without impairment of quality, reliability, or convenience"^{11/} and to implement a number portability solution expeditiously. Moreover, LRN will only be a suitable LNP solution if the Commission adopts it to the exclusion of all other potentially inconsistent LNP solutions. Finally, CCTA believes that the Bell Operating Companies ("BOCs") should be required to demonstrate their continued and consistent progress toward the implementation of a permanent number portability solution at such time that they apply for entry into the interLATA marketplace as contemplated by the 1996 Act.^{12/}

^{9/} Id. at 4.

^{10/} See California Local Number Portability Task Force Report, filed in CPUC Docket R.95-04-043 and I.95-04-044, *Orders Instituting Rulemaking and Investigation on the Commission's Own Motion Into Competition for Local Exchange Service*, Feb. 29, 1996 ("Task Force Report").

^{11/} 47 U.S.C. § 153(46).

^{12/} 47 U.S.C. § 271.

I. LRN IS THE ONLY NUMBER PORTABILITY SOLUTION THAT CAN FULFILL THE PROMISE OF THE 1996 ACT

Congress established a general duty in the 1996 Act for telecommunications carriers to provide, to the extent technically feasible, number portability.^{13/} Congress specified that number portability must enable subscribers to "retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."^{14/} Congress also intended for number portability to be implemented expeditiously^{15/} and in a competitively-neutral manner.^{16/}

Of the proposals that were evaluated in California and which are now being considered by the FCC, including those by AT&T, Pacific Bell ("Pacific"), GTE, MCI, and jointly by Electric Lightwave, Inc. and U.S. Intelco, CCTA believes that only AT&T's LRN solution meets all of the criteria established by Congress in the 1996 Act. LRN permits end users to switch from one carrier to another seamlessly because calls to ported and non-portable numbers are treated equally. With LRN, intraoffice calls will not incur a database query for either ported or non-portable lines, and interoffice calls will involve a database query for both ported and non-portable lines. In either case, there is no perceptible difference in the amount of post-dial delay experienced by callers to ported numbers versus by callers to non-portable numbers. In this regard, LRN is a permanent number portability solution that is consistent

^{13/} 47 U.S.C. § 251(b)(2).

^{14/} Id. at 47 U.S.C. § 153(46).

^{15/} See id. at § 251(d)(1).

^{16/} See Conference Report at 122.

with the 1996 Act because it will maintain quality and reliability while allowing customers to switch carriers at their convenience.

In contrast, the solution initially advanced by Pacific, RTP, does not comply with the mandates of the 1996 Act. Unlike LRN, RTP differentiates between calls to ported and non-portable numbers such that the post-dial delay associated with RTP affects only calls to ported numbers, thereby affording an unfair competitive advantage to incumbents in retaining customers. Moreover, RTP suffers from some of the competitive flaws inherent in interim LNP options, such as remote call forwarding. RTP requires that a new service provider continue to rely on the incumbent LEC, both technically and economically, for rerouting all calls originating in the incumbent network to ported numbers of customers acquired from that network. Not only would RTP impair the reliability and convenience associated with current numbering due to its post-dial delay, but RTP is also not competitively neutral because it requires continued reliance on the incumbent LECs' networks.^{17/}

II. LRN IS THE ONLY NUMBER PORTABILITY SOLUTION THAT IS DEVELOPED SUFFICIENTLY TO BE ADOPTED IN A TIMELY MANNER BY THE COMMISSION

In addition to being the only LNP proposal that maintains quality, reliability, and convenience for end users, LRN is the only LNP proposal that can be implemented in the near future. And, as the Commission has previously noted, and the 1996 Act underscores, number portability is a critical facet of the development of local competition. LRN is

^{17/} In even starker contrast to LRN, NGN fails to meet even the threshold requirement in the 1996 Act that end users be allowed to retain their existing phone numbers when changing service providers. With NGN, every end user must change his or her existing, geographically-based telephone number to a non-geographic number at the outset upon subscribing to LNP. Only thereafter, when that end user switches service providers, may he or she retain their "existing" non-geographic telephone number. Because NGN fails to satisfy the fundamental tenet of number portability, CCTA believes it is unnecessary to evaluate it further with respect to compliance with the 1996 Act.

currently slated for trials and/or implementation in the following states: California, Illinois, New York, Georgia, and Maryland.^{18/} As a result of commitments from several states to trial and deploy LRN, switch software vendors have promised to make LRN software available by mid-1997.^{19/}

Switch software for every other LNP solution currently being considered, even in the best case scenario, is not projected to be available until at least six months after LRN switch software is available.^{20/} Some switch vendors (e.g., Ericsson, Siemens Stromberg-Carlson) have not indicated any dates for RTP switch software availability. Others, like Nortel, do not currently have plans to develop RTP switch software, but have provided estimates of the earliest possible dates for switch software availability.^{21/} Indeed, even Pacific, RTP's primary proponent, has abandoned further development of RTP because it believes that an alternative approach, Query on Release, may be more attractive.^{22/}

If the Commission were to adopt RTP or any other LNP solution instead of LRN, there is a grave risk that number portability -- and therefore significant local competition -- would be delayed. Accordingly, given that several states are proceeding with LRN and that

^{18/} Task Force Report at 46, Attachment 10.

^{19/} Id. at 46, Attachment 8.

^{20/} Id. For example, Nortel stated that it could develop switch software by fourth quarter 1997 at the earliest, but that it had no firm plans to do so. Id.

^{21/} Id.

^{22/} Comments of Pacific Bell on California Local Number Portability Task Force Report, Docket No. R95-04-043/I95-04-044, March 15, 1996 at 17 n.36. To CCTA's knowledge, Query on Release has not been evaluated, much less recommended, by any state number portability regulatory body or task force. CCTA is not aware of any vendors that have made formal commitments for switch software delivery for Query on Release. It is therefore extremely unlikely that switch software will be available within a time frame suitable to meet the requirements of the 1996 Act.

an immediate permanent number portability solution is critical to local telephone competition, the Commission should order the implementation of LRN as early as possible, but not later than the first quarter of 1998.

III. MULTIPLE LNP SOLUTIONS SHOULD NOT BE ALLOWED TO COEXIST UNDER THE 1996 ACT

Some service providers, perhaps most notably Pacific, have recommended that all carriers use a common routing algorithm for number portability, but that each carrier be allowed to use its choice of triggering mechanisms to alert the network that the call is to a ported number and must therefore be routed to another carrier.^{23/} Because granting carriers the flexibility to adopt their own triggers could undermine the rapid evolution of a competitive marketplace, the Commission should adopt LRN as the exclusive number portability solution.

Multiple LNP solutions would require carriers to expend considerable effort and money to develop interface specifications and interoperability standards among the various solutions. Vendors and carriers that offer multi-area service would be forced to develop the capability to interwork with multiple solutions, which would involve unnecessary expense. This would likely increase costs and delay in the implementation of a permanent LNP solution, with few offsetting benefits.

Moreover, the utilization of multiple LNP solutions will likely increase the burden on the Commission's resources. For example, monitoring and ensuring that multiple solutions meet the requirements of the 1996 Act will likely require much greater Commission oversight than selecting the single best solution and monitoring its implementation. The

^{23/} Task Force Report at 50-51. These triggers can include an AIN/IN database query, RTP, and Query on Release.

Commission should therefore act to conserve its resources by mandating a single LNP solution -- LRN -- which has clearly demonstrated itself to be superior to all others.

IV. THE COMMISSION SHOULD REQUIRE THE BOCS TO DEMONSTRATE SIGNIFICANT PROGRESS TOWARD IMPLEMENTING A LONG-TERM LNP SOLUTION WHEN THEY APPLY FOR ENTRY INTO THE INTERLATA MARKET

The 1996 Act authorizes the former Bell Operating Companies ("BOCs") to submit applications to the Commission to provide interLATA service originating in their own regions.^{24/} In order to qualify for interLATA relief, the BOCs must first comply with a series of requirements, including a competitive "checklist."^{25/} Under such checklist, the BOC must, at a minimum, provide one of several interim number portability mechanisms such as remote call forwarding or direct inward dialing trunks "with as little impairment of functioning, quality, reliability, and convenience as possible" until the Commission implements a long-term LNP mechanism.^{26/} After that time, the checklist requires full compliance with the rules that the Commission develops to implement long-term LNP.^{27/}

The Commission may only approve a BOC's application for entry into the long distance marketplace if it finds that the BOC's application is consistent with the public interest, convenience, and necessity.^{28/} Although the 1996 Act conditions BOC entry into

^{24/} See 47 U.S.C. § 271(c).

^{25/} Id. Other items on the checklist will likewise increase facilities-based competition in the local exchange. These include nondiscriminatory interconnection, access to unbundled network elements, nondiscriminatory access to telephone numbers for assignment, and local dialing parity. See id. at § 271(c)(2)(B)(i)-(xiv).

^{26/} Id. at § 271(c)(2)(B)(xi).

^{27/} Id.

^{28/} Id. at § 271(d)(3)(C).

the interLATA marketplace on the offering of interim, rather than permanent, number portability, the Commission should exercise discretion to review the progress and efforts that the BOC has made to deploy a permanent solution, especially to the extent the Commission has already mandated a permanent mechanism in its number portability docket^{29/} to determine whether a BOC application is in the public interest.

Congress recognized when it enacted the 1996 Act that the potential for entry into the interLATA marketplace would provide the BOCs strong incentives to comply with certain conditions that would foster competition in the local exchange marketplace.^{30/} As part of its review of BOC applications for interLATA relief, the Commission should, at a minimum, review then-current BOC efforts to develop long-term LNP to determine whether a BOC's request for interLATA relief is in the public interest. Given the importance of number portability to sustaining competition in the local exchange, and the BOCs' incentives to foil such competition, any attempt by the BOCs to obstruct the implementation of a permanent LNP solution should compel the Commission to deny a BOC application for entry into the interLATA marketplace.

CONCLUSION

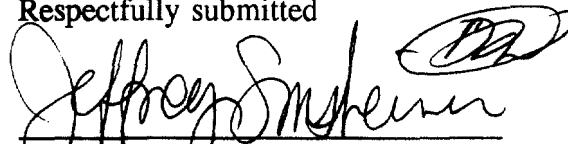
Since the pleading cycle in this docket closed on October 12, 1995, LRN has emerged as the only LNP solution to receive a broad base of support from all segments of the

^{29/} It is likely that the Commission will issue an order in this docket prior to the time a BOC might apply for in-region interLATA authority. See Draft FCC Implementation Schedule for the Telecommunications Act of 1996, Revised March 28, 1996, at 1. (Order anticipated May, 1996).

^{30/} 47 U.S.C. § 271(c)(2)(B).

telecommunications industry. Because LRN is the only LNP solution that clearly complies with the 1996 Act and that can be deployed within a reasonable time, the Commission should act quickly to adopt it as the exclusive nationwide solution for permanent LNP. In addition, the Commission should examine the BOCs' progress in implementing permanent LNP when evaluating their applications for entry into the interLATA marketplace.

Respectfully submitted



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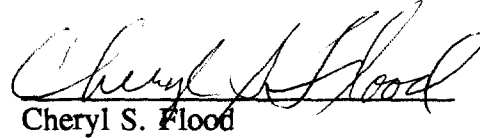
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Dated: March 29, 1996

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CERTIFICATE OF SERVICE

I, Cheryl S. Flood, hereby certify that on this 29th day of March, 1996, a copy of the foregoing "Further Comments of The California Cable Television Association" was delivered by hand or by first-class mail, postage prepaid, to each of the parties listed below.



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